

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2626 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE M.S. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

Questions nos.1 to 5 : No

ASVIN HARESH RUPCHAND

Versus

GEB

Appearance:

MR TV SHAH for Petitioner

SERVED for Respondent No. 1

MR MD PANDYA for Respondent No. 2

CORAM : MR.JUSTICE M.S. SHAH

Date of decision: 24/10/96

ORAL JUDGEMENT

This petition under Article 226 of the Constitution is filed for challenging the order of terminating the petitioner's services and for a direction that the respondents be directed to absorb the petitioner

in the clear vacancy of helper.

2. Mr.M.D. Pandya, learned counsel for the respondents states that during the pendency of the petition the petitioner was absorbed as a helper with effect from 23rd January 1991 and that he had addressed a letter dated 11th November 1991 to the learned counsel for the petitioner requesting him to withdraw the petition and a copy of the said letter was also endorsed to respondent no.2 - Executive Engineer of the respondent/Board. The said letter received by respondent no.2 is placed on record.

3. Mr. Pandya has further stated that the petitioner thereafter expired on 23rd November 1994 and has produced a duly attested xerox copy of the death certificate.

4. In view of the aforesaid developments, the petition having abated, it is not required to be heard on merits. Mr.T.V. Shah, learned counsel for the petitioner states that he has no instructions in the matter and the heirs of the deceased have not approached him.

5. In view of the above, the petition has abated.
Rule is discharged. No order as to costs.

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